

AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY AMENDING SECTION 20.04.520 (ADMINISTRATIVE PROVISION; NOTICE-METHOD) TO CHANGE THE NOTICE REQUIREMENTS FOR A ZONING CHANGE ON ONE ACRE OR MORE OF LAND. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE.

WHEREAS, the zoning regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens;

WHEREAS, the zoning regulations have been adopted in conformance with *The Plan for El Paso*;

WHEREAS, The Plan for El Paso recommends that the City address community concerns about protection of neighborhood and area character by guiding its changes and preventing incompatible zoning, development, and construction;

WHEREAS, the El Paso City Council passed resolution to direct Planning, Research, and Development Department staff to create amendments to the text of the City of El Paso zoning code to require posting of notification signs by zoning change applicants better informing and involving those affected by any requested zoning change;

WHEREAS, the Development Coordinating Committee and City Plan Commission recommend approval of the proposed changes to zoning district amendment notification requirements and believe the additional notification proposed will result in greater community awareness and involvements in public hearings regarding such zoning district amendments; and

WHEREAS, the El Paso City Council finds that the proposed amendments as herein provided will, through greater involvement from the community, have a positive impact upon the public health, safety, morals, and general welfare of the City, and that the zoning regulations as amended will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF EL PASO:**

1. That Chapter 20.04, Section 20.04.520 is hereby deleted in its entirety and replaced as follows:

Where a public hearing is required by this chapter, notice shall be given in the manner specified below:

A. Content of Notice. Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. Required on site posting of notice shall be as specified in 20.04.520.B.2.c.

B. Provision of Notice. Notice will be given in the following manner:

1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;

2. On applications for special permits and amendments to the district map, notice shall be given as follows:

a. Notice of hearing before the city plan commission shall be given by mail to all owners of property within three hundred feet of the lot line of the subject property.

b. Notice of hearing before the city council shall be given as follows:

i. On first reading—by publication in a newspaper of general circulation in the city not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

ii. The published notice shall contain the name of the property owner(s) and legal description of the property as well as the address assigned to the property; if no address has been assigned, the notice shall contain the name and block number of the street(s), if any, abutting the property.

c. On site posting of notice by an applicant is required for parcels of one or more acres when a change in zoning is requested, but not when a special permit or amendment to a contract condition is requested. Notice is not required when notice to a recognized neighborhood association, not also defined as a civic

association, which is formed pursuant to 2.102 of the El Paso Municipal Code, is required and given. Such on site posting of notice shall comply with the following:

- i. Location. On site posting of notice shall be at locations at the proposed site that face and are clearly visible and legible from each right of way abutting the property subject to signage requirements listed herein. One sign per right-of-way shall be required. However, application areas covering both sides of a right-of-way shall require posting on each side of the right-of-way and otherwise comply with location requirements herein. Required signage shall be affixed to the main structure facing the applicable right of way or shall be free standing. In either case, required signage shall be raised from the ground so that the top of the text portion of the sign is a minimum of five feet above ground level. Approval of proposed sign location(s) by the zoning administrator shall be deemed conclusive as to location requirements.

- ii. Duration of posting. Posting shall be continuous, as defined below, until final city council action and shall commence at least fifteen (15) days prior to the date of the first public hearing at the city plan commission. Prior to the city plan commission hearing date, the applicant shall provide a digital or printed picture to the Planning, Research, & Development Department showing that all required signage has been properly placed on the property. Failure to provide such picture proving compliance with signage requirements shall result in postponement of the application until such time as an acceptable picture is received. The applicant shall promptly replace any sign required by this section, which becomes lost, stolen, or vandalized, within five business days following the date of receipt of actual knowledge of same by any employee of the Planning, Research, & Development Department. For purposes of this subsection, an applicant

also has actual knowledge that a sign is lost, stolen, or vandalized three days following the date of mailing of a letter addressed and properly mailed to the applicant at the address provided on the application or one day following the date of successful transmission of a facsimile report to a telephone number provided on the application. Any sign required by this provision shall be removed no later than ten (10) days after final action on the application. Posting is continuous so long as lost, stolen, or vandalized signage is replaced within five business days following the date of receipt of actual knowledge. Further, posting is deemed continuous when lost, stolen, or vandalized signage has been replaced two (2) times, even if such signage is not replaced a third time.

- iii. Size and content. A sign area with a minimum width of three feet and a minimum height of two feet shall be required. The sign shall provide a caption stating [*“Location of Proposed Rezoning. Public Hearings are scheduled. Please call (telephone number to be provided by the director of planning or that person’s designee).”*]. The caption shall be in black two-inch bolded block lettering and appear on a white background.
- iv. Zoning validity. Any otherwise properly enacted zoning regulation shall not be invalidated by failure to comply with 20.04.520.B.2.c.
- v. It is understood that the sign notification provisions herein are intended to provide notice of proposed changes in zoning to area residents. As such, substantial conformity with location and sizing provisions herein constitutes compliance with those provisions. A determination made by the zoning administrator that location and sizing are in substantial conformance with all requirements herein and that the intent

of this ordinance has been met shall be conclusive that those provisions have been fully complied with.

3. On applications for amendments to the text of this chapter, notice of hearing before the city plan commission shall be posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

Notice of hearing before the city council shall be as follows:

a. On first reading—by publication in a newspaper of general circulation in the city not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act);

4. On appeals or applications to the board of adjustment, notice of time, place and purpose of hearing before the board shall be given by letter or postcard not less than ten days prior to the date of hearing to the owners of all property within two hundred feet of the area to be considered. (Prior code §25-85.2(1), (2))

APPROVED this _____ day of March, **2004**.

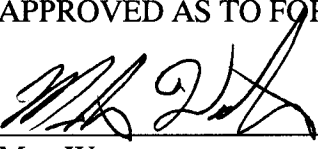
THE CITY OF EL PASO, TEXAS

ATTEST:

Joe Wardy
Mayor

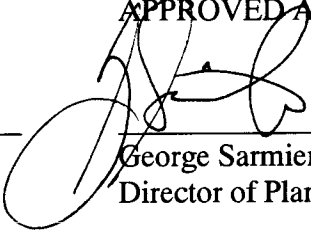
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney
Development

APPROVED AS TO CONTENT:



George Sarmiento
Director of Planning, Research, &